

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHAW FAMILY ARCHIVES, LTD., EDITH  
MARCUS and META STEVENS,

Plaintiffs,

-against-

CMG WORLDWIDE, INC., an Indiana Corporation:  
and MARILYN MONROE, LLC, a Delaware  
Limited Liability Company,

Defendants.

Index No. O5 CV 3939 (CM)

Hon. Colleen McMahon

## **SECOND DECLARATION OF DAVID MARCUS**

I, DAVID MARCUS, an attorney duly licensed to practice law before this Court,  
declare the following facts under penalty of perjury:

1. I represent Shaw Family Archives, Ltd., Edith Marcus, Meta Stevens and Bradford Licensing Associates (collectively referred to as the “Shaw Family”) in the above-captioned matter and am fully familiar with the facts set forth herein. I respectfully submit this declaration on behalf of the Shaw Family in further support of its motion seeking the imposition of a bond.

2. Annexed hereto as Exhibit A, is a true and correct copy of Defendants' Memorandum of Law in Opposition to Plaintiff's Motion to Withdraw Counts 1-8 of Plaintiffs' Second Amended Complaint without Prejudice and in Support of Defendants' Cross-Motion to Dismiss Counts 1 and 2 with Prejudice, dated January 16, 2008.

3. Annexed hereto as Ex. B, is a true and correct copy of an electronic communication between Jeogn-Go Lee and Park Jong-In, dated November 21, 2007.

4. Annexed hereto as Exhibit C, is a true and correct copy of a printout from Mark Roesler's own website, located at [www.Markroesler.com](http://www.Markroesler.com), printed on April 9, 2008.

5. Annexed hereto as Exhibit D, is a true and correct copy of excerpts from the transcript of Mark Roesler, dated December 26, 2007.

6. Annexed hereto as Exhibit E, is a true and correct copy of an electronic communication from Christopher Serbagi to Paula Colbath, dated November 2, 2007.

7. Annexed hereto as Exhibit F, is a true and correct copy of a letter from Paula Colbath to the Honorable Colleen McMahon, dated November 28, 2007.

8. Annexed hereto as Exhibit G, is a true and correct copy of an Order of the Honorable Colleen McMahon, dated November 29, 2007.

9. I concur with the recitation of the events Christopher Serbagi describes in his Second Declaration dated April 9, 2008.

Dated: New York, New York  
April 9, 2008

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